

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-3-15-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person who
- 5 rides, drives, or walks on or along the right-of-way or yard of a railroad
- 6 company at a place other than a public crossing commits a Class B
- 7 misdemeanor.
- 8 (b) "Right-of-way" means the track or roadbed owned or leased by
- 9 a railroad which is located on either side of its tracks and which is
- 10 readily recognizable to a reasonable person as being railroad property
- 11 or is reasonably identified as such by fencing or appropriate signs.
- 12 (c) "Yard" means a system of parallel tracks, cross-overs, and
- 13 switches where cars are switched and made up into trains, and where
- 14 cars, locomotives, and other rolling stock are kept when not in use or
- 15 awaiting repairs.
- 16 (d) This section does not apply to:
- 17 (1) passengers on trains or employees of a railroad company while
- 18 engaged in the performance of their duties;
- 19 (2) picketing by railroad employees in the vicinity of entrances to

- 1 railroad company property;
- 2 (3) an authorized representative of the railroad employees;
- 3 (4) a person going upon the right-of-way or into the yard to save
- 4 human life or to protect property;
- 5 (5) a person being on the station grounds or in the depot of the
- 6 railroad company as a passenger or for the purpose of transacting
- 7 business;
- 8 (6) a person, or the person's family or employees going upon the
- 9 right-of-way for the purpose of crossing from one (1) part to
- 10 another part of a farm the person owns or leases, where the farm
- 11 lies on both sides of the right-of-way;
- 12 (7) a person having written permission from the railroad company
- 13 to go upon the right-of-way;
- 14 (8) representatives of the Indiana department of transportation;
- 15 (9) representatives of the interstate commerce commission; ~~or~~
- 16 (10) a registered land surveyor or a land surveyor's employees
- 17 who are on the right-of-way or in the yard for the purpose of
- 18 making land surveys; ~~or~~
- 19 **(11) incidental crossing of the track when a train or railroad**
- 20 **cars are not present."**
- 21 Page 1, delete lines 5 through 10.
- 22 Page 1, line 11, delete "(5)" and insert **"(1)"**.
- 23 Page 2, line 1, delete "(6) interferes or" and insert **"(2)"**.
- 24 Page 2, line 1, delete "in any way,".
- 25 Page 2, line 6, delete "(7) takes," and insert **"(3)"**.
- 26 Page 2, line 6, delete "changes, adds to,".
- 27 Page 2, line 13, delete "Class C" and insert **"Class D"**.
- 28 Page 2, line 14, delete "Class B" and insert **"Class C"**.
- 29 Page 2, line 15, delete "Class A" and insert **"Class B"**.
- 30 Page 2, line 35, after "consent;" insert **"or"**.
- 31 Page 2, delete lines 36 through 42.
- 32 Page 3, delete lines 1 through 4.
- 33 Page 3, line 5, delete "(7)" and insert **"(6)"**.
- 34 Page 3, line 23, delete "Subsection (a)(6) and (a)(7)" and insert
- 35 **"Subsections (a) and (b)"**.
- 36 Page 4, line 25, delete "Class C" and insert **"Class D"**.
- 37 Page 4, delete lines 26 through 27.
- 38 Renumber all SECTIONS consecutively.

(Reference is to SB 335 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Meeks R

Chairperson